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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/836,310

04/17/2001

Robert Veilleux

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6908

21186

7590

06/16/2008

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EXAMINER

NGUYEN, CHI Q

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/836,310	<b>Applicant(s)</b> VEILLEUX ET AL.	
	<b>Examiner</b> CHI Q. NGUYEN	<b>Art Unit</b> 3635	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-17 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 21-23 is/are objected to.
- 8) ☒ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Office action is in response to applicant's amendment filed on 4/4/2008.

#### ***Status of Claims***

Claims 1-9, 11-17, and newly filed 21-23 are pending.

Claims 10 and 18-20 have been cancelled.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/4/2008 has been entered.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 4/4/2008 is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 7-9, 13, 14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 4,191,000 to Henderson.

Henderson discloses a wooden I-beam comprising an elongated lower chord 20, an elongated upper chord 20 spaced apart in opposed relation to the lower chord, a laminated panel structure 22 (col. 4, line 56) extending perpendicularly and joining said chords, said laminated panel structure defining an uninterrupted surface from one end of the joist to an opposite end thereof and having opposite upper and lower edges joined to the lower and upper chords respectively; said laminated panel structure being formed of a series of vertically elongated planks 27, 29 adhesively secured edgewise to one another and extending vertically between said lower and upper chords (Figs. 1-2), wherein fibres in said planks extend in the longitudinal direction of said planks, and wherein said planks are joined to one another by a V-shaped joint (Fig. 3).

Henderson discloses the basic structures for the wooden I-beam as stated above but does not disclose expressly each elongated plank oriented with a longitudinal axis. However, this feature would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made to have a such with each elongated plank oriented with a longitudinal axis in order to enhance a pleasure for the beam and also minimize laminated joints thus material and labor cost savings. Furthermore, applicant has not disclosed the criticality of this feature. Wherein said planks are made of plywood (col. 3, line 2). Furthermore, the term "kiln dry" presents of process limitations on product claims, which product does not otherwise patentably distinguish over prior art, cannot impart patentability to the product. In re Stephens 145 USPQ 656 (CCPA 1965).

Claims 3, 4, 6, 11, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 4,191,000 to Henderson in view of US Pat. No. 5,664,393 to Veilleux et al.

Claims 3 and 11:

Henderson discloses the basic structures for the woodent I-beam as stated above and further discloses the panel is secured to the chords by fingers joint 23 but does not disclose expressly wherein said panel is secured to said chords by more than two finger joints at each chord. Veilleux et al. disclose a structural wooden joist including an upper chord 14, a lower chord 12, a web panel 20 joints to the upper and lower chords by more than two finger joints (see Fig. 2). In view of Veilleux et al. it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Henderson laminated web panel more than two finger joints to joint with the upper and lower chords for more securement and integrity for the I-beam panel.

Claims 4, 6, 12, 15:

Henderson discloses the structural elements for a wooden I-beam as stated but does not teach specifically a glue having a base of resin resorcinol, and the wood is selected from the group of fir, spruce and pine. Veilleux et al. disclose a structural wooden joints including wood from fir, spruce, and pine and glue having a base of resin resorcinol (see col. 4). In view of Veilleux et al., it would have been obvious to one having an ordinary skill in the art at the time of the invention was made to select specific wood and glue types as taught by Veilleux et al. in order to meet regional application. And also these features would have been obvious matter of design choice to one of

ordinary skill in the art at the time the invention was made to select a commercially known material, e.g. a glue having a base of resin resorcinol and a fir, spruce or pine wood for a wooden I-beam. Furthermore, applicant has not disclosed the criticality of this feature.

### ***Allowable Subject Matter***

Claims 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-9 and 11-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

/C. Q. N./  
Examiner, Art Unit 3635

/Jeanette E Chapman/  
Primary Examiner, Art Unit 3633